

1 ERIC W. SWANIS, ESQ.
2 Nevada Bar No. 6840
3 **GREENBERG TRAURIG, LLP**
4 10845 Griffith Peak Drive, Suite 600
5 Las Vegas, Nevada 89135
6 Telephone: (702) 792-3773
7 Facsimile: (702) 792-9002
8 Email: swanise@gtlaw.com

9
10 CASEY SHPALL, ESQ.*
11 GREGORY R. TAN, ESQ.*
12 **Admitted Pro Hac Vice*
13 **GREENBERG TRAURIG, LLP**
14 1144 15th Street, Suite 3300
15 Denver, Colorado 80202
16 Telephone: (303) 572-6500
17 Email: shpallc@gtlaw.com
18 tang@gtlaw.com

19 *Counsel for Defendants*

20
21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE DISTRICT OF NEVADA

24 ROBERT SINGER,

25 Case No. 2:19-cv-01579-JCM-BNW

26 Plaintiff,

27
28 STIPULATION AND [PROPOSED]
29 ORDER TO STAY

30 v.

31 C. R. BARD, INCORPORATED and BARD
32 PERIPHERAL VASCULAR, INCORPORATED,

33 Defendants.

34
35 Plaintiff Robert Singer (“Plaintiff”) and Defendants C. R. Bard, Inc. and Bard Peripheral
36 Vascular, Inc. (“Defendants”) (Plaintiff and Defendants are collectively referred to herein as the
37 “Parties”) pursuant to Fed R. Civ. P. 26 and this Court’s inherent powers, respectfully request that
38 this Court enter an Order temporarily staying discovery and all pretrial deadlines imposed by the
39 Court, the Local Rules, and the Federal Rules of Civil Procedure for ninety (90) days to permit the
40 parties to finalize their settlement of all claims.

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42 I. BACKGROUND

43 Plaintiff claims injuries related to the purported implantation of an Inferior Vena Cava
44 (“IVC”) filter allegedly manufactured by Defendants. (ECF No. 1). The Parties have conducted

45
46 GREENBERG TRAURIG, LLP
47 10845 Griffith Peak Drive
48 Suite 600
49 Las Vegas, Nevada 89135
50 Telephone: (702) 792-3773
51 Facsimile: (702) 792-9002

1 various discovery, including depositions of the plaintiff and medical providers, medical records
 2 collection, and initial and supplemental disclosures, but have reached an agreement in principle to
 3 resolve all claims. As such, the Parties hereby jointly move this Court to enter a stay of all discovery
 4 and pretrial deadlines in this case for a period of ninety (90) days.

5 **II. ARGUMENTS AND AUTHORITIES**

6 **A. This Court Has Authority to Grant the Requested Stay**

7 Pursuant to Federal Rules of Civil Procedure 6(b) and 26, and this Court's inherent authority
 8 and discretion to manage its own docket, this Court has the authority to grant the requested stay. Fed.
 9 R. Civ. P. 6(b) ("When an act may or must be done within a specified time the court may, for good
 10 cause, extend the time..."); Fed. R. Civ. P. 26(a) ("A party or any person from whom discovery is
 11 sought may move for a protective order in the court where the action is pending...The Court may,
 12 for good cause, issue an order to protect a party or person from annoyance, embarrassment,
 13 oppression, or undue burden or expense."). Therefore, this Court has broad discretion to stay
 14 proceedings as incidental to its power to control its own docket – particularly where, as here, a stay
 15 would promote judicial economy and efficiency. *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998);
 16 *Sierra Club v. U.S. Army Corps of Engineers*, 446 F.3d 808, 816 (8th Cir. 2006) (citing *Clinton v.*
 17 *Jones*, 520 U.S. 681, 706 (1997)).

18 A stipulation to stay proceedings, like the Parties seek here, is an appropriate exercise of this
 19 Court's jurisdiction. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936) (explaining a court's
 20 power to stay proceedings is incidental to its inherent power to control the disposition of the cases
 21 on its docket to save the time and effort of the court, counsel, and the parties.)

22 The power to stay proceedings is incidental to the power inherent in every court to
 23 control the disposition of the causes on its docket with economy of time and effort
 24 for itself, for counsel, and for litigants. How this can best be done calls for the
 exercise of judgment, which must weigh competing interests and maintain an even
 balance.

25 *Id.* (citing *Kansas City S. Ry. Co. v. United States*, 282 U.S. 760, 763 (1931)); *see also, CMAX, Inc.*
 26 *v. Hall*, 300 F.2d 268 (9th Cir. 1962) (district courts possess "inherent power to control the
 27 disposition of the cases on its docket in a manner which will promote economy of time and effort for
 28 itself, for counsel, and for litigants"); *Garlock Sealing Tech., LLC v. Pittsburgh Corning Corp.* (In

1 *re Pittsburgh Corning Corp.*), No. 11-1406, 11-1452, 2012 U.S. Dist. LEXIS 86193, at *11 (W.D.
 2 Mo. June 21, 2011) (noting a court's power to stay proceedings is incidental to its power to control
 3 the disposition of the cases on its docket).

4 Furthermore, Federal Rules of Civil Procedure (26(c) and 26(d) also vest the Court with
 5 authority to limit the scope of discovery or control its sequence and may grant a stay to allow parties
 6 to negotiate a settlement. *Britton*, 523 U.S. at 598.

7 **B. Good Cause Exists to Grant the Requested Stay**

8 As noted herein, the Parties have reached a settlement in principle and are currently working
 9 to finalize all necessary documentation regarding the same. As such, the Parties do not seek the stay
 10 requested herein in bad faith but instead seek to stay all proceedings in the interest of efficiency and
 11 judicial economy. Granting the stay here will unquestionably save the time and effort of this Court,
 12 counsel, and the parties, and provide counsel with an opportunity to finalize the settlement of this
 13 case without any additional litigation expense.

14 Facilitating the Parties' efforts to resolve this dispute entirely through settlement is reasonable
 15 and constitutes good cause for granting the requested stay. The Parties agree that the relief sought
 16 herein is necessary to handle and resolve this case in the most economical fashion, and that the relief
 17 sought in this stipulation is not for delay, but in the interest of efficiency.

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GREENBERG TRAURIG, LLP
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 Suite 600
 Las Vegas, Nevada 89135
 Telephone: (702) 792-3773
 Facsimile: (702) 792-9002

III. CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court enter a stay of all activity in this case, for a period of ninety (90) days. If Plaintiffs have not filed dismissal papers within ninety (90) days from the stay being granted, the Parties request the opportunity to file a joint status report regarding the status of the settlement.

IT IS SO STIPULATED.

Dated this 10th day of February 2022.

WETHERALL GROUP, LTD.

GREENBERG TRAURIG, LLP

By: /s/ Peter C. Wetherall
PETER C. WETHERALL, ESQ.
Nevada Bar No. 4414
9345 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148
pwetherall@wetherallgroup.com

By: /s/ Eric W. Swanis
ERIC W. SWANIS, ESQ.
Nevada Bar No. 6840
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Email: swanise@gtlaw.com

Counsel for Plaintiffs

CASEY SHPALL, ESQ.*
GREGORY R. TAN, ESQ.*
**Admitted Pro Hac Vice*
GREENBERG TRAURIG, LLP
1144 15th Street, Suite 3300
Denver, Colorado 80202
Telephone: (303) 572-6500
Email: shpallc@gtlaw.com
tang@gtlaw.com

Counsel for Defendants

ORDER

IT IS ORDERED that ECF No. 51 is GRANTED. IT IS FURTHER ORDERED that a joint status report is due by 5/11/2022.

IT IS SO ORDERED

DATED: 11:20 am, February 11, 2022

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

2 I hereby certify that on **February 10, 2022**, I caused the foregoing document to be
3 electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification
4 of such filing to the CM/ECF participants registered to receive service in this case.

/s/ *Shermielynn Irasga*

An employee of GREENBERG TRAURIG, LLP

GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive
Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

SERVICE LIST

Singer v. C. R. Bard Incorporated, et al.,
Case No. 2:19-cv-01579-JCM-BNW

Peter C Wetherall, Esq.
pwetherall@wetherallgroup.com
lolson@wetherallgroup.com
ksmith@wetherallgroup.com

WETHERALL GROUP, LTD.
9345 W. Sunset Road, Suite 100
Las Vegas, NV 89148
Telephone: (702) 838-8500
Facsimile: (702) 837-5081
Counsel for Plaintiff

Counsel for Plaintiff

GREENBERG TRAURIG, LLP
1000 14th Street, N.W.
Washington, D.C. 20004-3721

Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Suite 300